
By: **Delegate O'Donnell**
Introduced and read first time: February 7, 2003
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Circuit Courts - Military Discharge Papers - Limitation on Inspections and**
3 **Certified Copies**

4 FOR the purpose of requiring a clerk of a circuit court to deny inspection of the book
5 and index containing the record of a person's military discharge papers ~~in kept~~
6 by the clerk of court's office except ~~for~~ to certain persons or in accordance with a
7 subpoena or court order; limiting the provision by a clerk of a circuit court of a
8 certified copy of the record of certain military discharge papers to certain
9 persons or in accordance with a subpoena or court order; defining a certain term;
10 and generally relating to military discharge papers recorded and indexed by a
11 clerk of a circuit court.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 2-207
15 Annotated Code of Maryland
16 (2002 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article - State Government
19 Section 10-611(e)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 2-207.

3 (a) FOR PURPOSES OF THIS SECTION, "PERSON IN INTEREST" HAS THE
4 MEANING STATED IN § 10-611 OF THE STATE GOVERNMENT ARTICLE.

5 (B) The clerk of the circuit court of each county shall keep a book and record
6 and index in the book the discharge papers of any person who:

7 (1) At any time has served in the armed forces of the United States; and

8 (2) Presents the discharge papers of the person for recording.

9 [(b)] (C) A clerk may not charge a fee for recording or indexing discharge
10 papers.

11 [(c)] (D) The record kept by the clerk, or a certified copy of the record, is
12 admissible in evidence in any court in the State.

13 (E) (1) A CLERK SHALL DENY INSPECTION OF THE BOOK, AND THE RECORD
14 AND INDEX IN THE BOOK, DESCRIBED IN THIS SECTION ~~TO A PERSON~~ EXCEPT:

15 (I) TO A PARTY IN A CASE CIVIL, ADMINISTRATIVE, OR CRIMINAL
16 PROCEEDING IN A FEDERAL OR STATE COURT OR GOVERNMENT AGENCY, OR THE
17 PARTY'S ATTORNEY ~~IN THE CASE~~, WHO PRESENTS EVIDENCE SATISFACTORY TO THE
18 CLERK THAT THE INSPECTION IS RELATED TO ADMITTING THE RECORD OR A
19 CERTIFIED COPY OF THE RECORD IN EVIDENCE IN ~~A CASE~~ THE PROCEEDING; ~~OR~~

20 (II) TO A PERSON IN INTEREST;

21 (III) IN ACCORDANCE WITH A SUBPOENA OR COURT ORDER;

22 (IV) TO A SPOUSE, ADULT CHILD, PARENT, ADULT SIBLING,
23 GRANDPARENT, OR GUARDIAN OF THE PERSON WHO IS THE SUBJECT OF THE
24 DISCHARGE PAPERS; OR

25 (V) TO A RELATIVE OF THE PERSON WHO IS THE SUBJECT OF THE
26 DISCHARGE PAPERS, IF THE REQUEST FOR INSPECTION IS MADE AT LEAST 70 YEARS
27 AFTER THE DISCHARGE PAPERS WERE PRESENTED FOR RECORDING.

28 (2) A CLERK MAY PROVIDE A CERTIFIED COPY OF A RECORD DESCRIBED
29 IN THIS SECTION ONLY ~~TO~~:

30 (I) TO A PARTY IN A CASE CIVIL, ADMINISTRATIVE, OR CRIMINAL
31 PROCEEDING IN A FEDERAL OR STATE COURT OR GOVERNMENT AGENCY, OR THE
32 PARTY'S ATTORNEY ~~IN THE CASE~~, WHO PRESENTS EVIDENCE SATISFACTORY TO THE
33 CLERK THAT THE CERTIFIED COPY IS FOR THE PURPOSE OF ADMISSION IN
34 EVIDENCE IN THE ~~CASE~~ PROCEEDING; ~~OR~~

35 (II) TO A PERSON IN INTEREST;

